

Dated: September 16, 1993.

R.D. Herr,

Rear Admiral, U.S. Coast Guard Commander,  
Eleventh Coast Guard District.

[FR Doc. 93-24204 Filed 9-30-93; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 165

#### [COTP St. Louis Regulation 93-031]

RIN 2115-AA97

#### Safety Zone Regulations; Upper Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Upper Mississippi River from mile 201.0 thru mile 853.0. This regulation is needed to protect commercial and recreational vessels from the hazards associated with extensive shoaling, swift currents and dredge operations. This regulation will restrict general navigation in the regulated area for the safety of vessel traffic.

**EFFECTIVE DATE:** This regulation is effective September 16, 1993 and will terminate on October 15, 1993.

**FOR FURTHER INFORMATION CONTACT:** LT Timothy Deal, Operations Officer, Captain of the Port, St. Louis, Missouri at (314) 539-3823.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The drafters of these regulations are CPO Joseph Cosgrove, Project Officer, Marine Safety Office, St. Louis, Missouri and LCDR A. O. Denny, Project Attorney, Second Coast Guard District Legal Office.

##### Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Specifically, the conditions requiring this regulation could not be foreseen leaving insufficient time to publish a notice of proposed rulemaking. The Coast Guard deems it to be in the public's best interest to issue a regulation without waiting for a comment period since the conditions present an immediate hazard.

##### Background and Purpose

Extensive sediment deposition resulting from the receding river levels

after the summer floods has reduced navigational channel depth in numerous areas in the upper reaches of the Upper Mississippi River. The receding flood waters have also produced unusually swift currents. Levees throughout the lower reaches of the Upper Mississippi River are still saturated and susceptible to wake damage. As a result of these conditions this regulation is necessary to help provide safe criteria for navigation of the affected area.

##### Regulatory Evaluation

This regulation is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979), it will not have a significant economic impact on a substantial number of small entities, and it contains no collection of information requirements. A full regulatory analysis is unnecessary because the Coast Guard expects the impact of this regulation to be minimal due to the short anticipated duration of the closure.

##### Federalism Assessment

Under the principles and criteria of Executive Order 12612, this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

##### Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that preparation of an environmental impact statement is not necessary because the regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination has been prepared and placed in the rulemaking docket.

##### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

##### Temporary Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

##### PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A temporary section 165.T02-067 is added, to read as follows:

##### § 165.T02-067 Safety Zone: Upper Mississippi River.

(a) **Location.** The Upper Mississippi River between mile 201.0 and 853.0 is established as a safety zone.

(b) **Effective dates.** This regulation becomes effective on September 16, 1993 and will terminate on October 15, 1993.

(c) **Regulations.** The general regulations under § 165.23 of this part which prohibit entry into the described zones without authority of the Captain of the Port apply.

(d) The Captain of the Port, St. Louis, Missouri will notify the maritime community of river conditions affecting the areas covered by this safety zone by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: September 16, 1993.

Scott P. Cooper,

Commander, U.S. Coast Guard, Captain of the Port, St. Louis, Missouri.

[FR Doc. 93-24207 Filed 9-30-93; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 165

[CGD01-93-130]

#### Safety Zone; Columbus Day South Street Seaport Fireworks, East River, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for a Columbus Day fireworks program located in the East River. This event is sponsored by South Street Seaport and will take place on Sunday, October 10, 1993, from 8 p.m. until 10 p.m. with a rain date of October 11, 1993, at the same time. This safety zone is needed to protect the boating public from the hazards associated with fireworks exploding in the area.

**DATES:** The rule is effective from 8 p.m. until 10 p.m. on October 10, 1993, with a rain date of October 11, 1993, at the same time.

**FOR FURTHER INFORMATION CONTACT:** LT R. Trabocchi, Project Manager, Captain of the Port, New York (212) 668-7933.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The drafters of this notice are LT R. Trabocchi, Project Manager, Captain of the Port, New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.



### Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register Publication. Due to the date this application was received, there was not sufficient time to publish a proposed rule in advance of the event. Publishing a NPRM and delaying the event would be contrary to public interest since the fireworks display is for public viewing.

### Background and Purpose

On September 3, 1993, South Street Seaport, Inc. submitted an application to hold a fireworks program in the East River off of South Street Seaport, Pier 17, Manhattan, New York. This regulation establishes a temporary safety zone in the East River south of the Brooklyn Bridge and north of a line drawn from Pier 6 Brooklyn to the Coast Guard ferry slip in Manhattan. This safety zone is being established to protect boaters from the hazards associated with the explosion of fireworks in the area. No vessel will be permitted to enter or move within this area unless authorized to do so by the Coast Guard Captain of the Port, New York.

### Regulatory Evaluation

This regulation is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). No vessel traffic will be permitted to transit the East River south of the Brooklyn Bridge. Though there is a regular flow of traffic through this area due to the limited duration of the event, the extensive advisories that will be made to the affected maritime community, and that pleasure craft can take an alternate route via the Hudson and Harlem Rivers, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), The Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons given in the Regulatory Evaluation, the Coast Guard

expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

### Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this regulation and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, it is an action under the Coast Guard's statutory authority to protect public safety and is categorically excluded from further environmental documentation. A Categorical Exclusion Determination will be included in the docket.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

### Regulations

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5, 49 CFR 1.46.

2. A temporary section, 165.T01-130 is added to read as follows:

#### § 165.T01-130 Columbus Day Fireworks, East River, New York.

(a) *Location.* This temporary safety zone includes all waters of the East River south of the Brooklyn Bridge and north of a line drawn from Pier 6 Brooklyn to the Coast Guard ferry slip in Manhattan.

(b) *Effective period.* This regulation is effective from 8 p.m. until 10 p.m. on October 10, 1993, with a rain date of October 11, 1993, at the same time.

(c) *Regulations.* (1) No person or vessel may enter, transit, or remain in

the regulated area during the effective period of regulation unless participating in the event as authorized by the Coast Guard Captain of the Port, New York.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. Coast Guard Auxiliary members may be present to inform vessel operators of this regulation and other applicable laws.

Dated: September 16, 1993.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 93-24208 Filed 9-30-93; 8:45 am]

BILLING CODE 4910-14-M

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 271

[FRL-4783-1]

#### Michigan: Final Authorization of Revisions to State Hazardous Waste Management Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** Michigan has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976 as amended (hereinafter "RCRA"). The Environmental Protection Agency (EPA) has reviewed Michigan's application and has reached a decision, subject to public review and comment, that Michigan's hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Michigan's hazardous waste program revisions, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (hereinafter HSWA). Michigan's application for program revision is available for public review and comment.

**EFFECTIVE DATES:** Final authorization for Michigan's program revisions shall be effective November 30, 1993, unless an adverse comment pertaining to Michigan's revision discussed in this notice is received by EPA by the end of the comment period. If an adverse



comment is received, EPA will publish either: (1) A withdrawal of the immediate final decision; or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision. All comments on Michigan's program revision application must be received by the close of business on November 1, 1993.

**ADDRESSES:** Written comments should be sent to Ms. Judy Feigler, Michigan Regulatory Specialist, U.S. EPA, Office of RCRA, HRM-7J, 77 West Jackson Boulevard, Chicago, Illinois 60604, phone (312) 886-4179. Copies of Michigan's program revision application are available for inspection and copying at the following addresses from 9 a.m. to 4 p.m.: Michigan Department of Natural Resources, 608 W. Allegan, South Ottawa Tower, Lansing, Michigan. Contact: Ms. Ronda L. Hall, Phone: (517) 373-9548; U.S. EPA, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, contact: Ms. Judy Feigler, (312) 886-4179.

**FOR FURTHER INFORMATION CONTACT:** Ms. Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Region V, Waste

Management Division, Office of RCRA, Program Management Branch, Regulatory Development Section, HRM-7J, 77 West Jackson Boulevard, Chicago, Illinois 60604, Phone: (312) 886-4179.

#### SUPPLEMENTARY INFORMATION

##### A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

In accordance with 40 CFR 271.21(a), revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessary because of changes to EPA's regulations in 40 CFR parts 124, 260 through 268 and 270.

##### B. Michigan

Michigan initially received final authorization for its base RCRA program effective on October 30, 1986 (51 FR 36804-36805, October 16, 1986). Michigan received authorization for revisions to its program effective on

January 23, 1990 (54 FR 225, November 24, 1989), and June 24, 1991 (56 FR 18517, April 23, 1991). On May 21, 1993, Michigan completed an additional revision application. EPA has reviewed this application and has made an immediate final decision that Michigan's hazardous waste program revision satisfies all the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization to Michigan for its additional program revision.

Approval of Michigan's program revision shall become effective on November 30, 1993, unless an adverse comment pertaining to Michigan's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either: (1) A withdrawal of the immediate final decision; or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Michigan's program has been revised to include authorities analogous to Federal requirements as follows:

Federal requirement	Analogous state authority/effective date
*Sharing of Information with the Agency for Toxic Disease Registry (Section 3019(b) of HSWA, November 8, 1984).	Michigan Combined Laws, Section 299.528(4), June 4, 1992.
*Dioxin Waste Listing and Management Standards (50 FR 1978, January 14, 1985).	Rule 299.9205(5), November 19, 1991; 299.9207(3) and (15), 299.9212(8) and (3), and 299.9213(1) and (3), April 20, 1988; 299.9214, November 19, 1991; 299.9216(1) and (2) and 299.9220, April 20, 1988; 299.9225 and 299.9504(1), (6)-(9), and (15), November 19, 1991; 299.9508(1), April 20, 1988; 299.9601(3) and (8) and 299.9614(1) and (2), December 28, 1985; 299.9615(1) and (6), April 20, 1988; 299.9616(1) and (4) and 299.9617(1) and (3), December 28, 1985; 299.9618(1) and (2), April 20, 1985; 299.9619(1) and (6), November 19, 1991; 299.9623(3) and (4), April 20, 1988; 299.9626(6) and (7); December 28, 1985; 299.11003(1)(h), (k), (l), (n), and (p), November 19, 1991.
*Codification Rule: Waste Minimization (50 FR 28702, July 15, 1985).	Rule 299.9304(2), April 20, 1988; 299.9308(1) and 299.9502(2), (3), (4), (5) and (11), November 19, 1991; 299.9521(1) and (6), April 20, 1988; 299.9601(1), December 28, 1985; 299.9608 and 299.9609, November 19, 1991; 299.9610, December 28, 1985; 299.11003(1)(l) and (p), November 19, 1991.
*Codification Rule: Pre-construction Ban (50 FR 28702, July 15, 1985).	Michigan Combined Laws, Sections 299.518, June 18, 1990; 299.521a, March 30, 1988; 299.522, June 4, 1992; Rule 299.9501 and 299.9502, November 19, 1991; Rule 299.9503, February 15, 1989.
*Generators of 100 to 1,000 kg of hazardous waste (51 FR 10146, March 24, 1986).	Rule 299.9107(q), April 20, 1988; 299.9205(1)-(5) and (7)-(11) and 299.9214(4), November 19, 1991; 299.9304(5) and 299.9306(1), (4), (5) and (6), April 20, 1988; 299.9308(5) and (6), November 19, 1991; 299.9409(1) and (3), December 28, 1985; 299.9502(2) and (11), November 19, 1991; 299.9503(1), February 15, 1989; 299.11003(1)(j) and (p), November 19, 1991. List (Phase 1) of Hazardous Waste Rule 299.9504(1) and (15), November 19, 1991, Constituents for Groundwater 1991; 299.9508(1), April 20, 1988; Monitoring (52 FR 25942, July 9, 1987) 299.9612(1) and (4) and 1987 299.11003(1)(m) and (p), November 19, 1991.
List (Phase 1) of Hazardous Waste Constituents for Groundwater Monitoring (52 FR 25942, July 9, 1987).	Rule 299.9504 (1) and (15), November 19, 1991; 299.9508(1), April 20, 1988; 299.9612 (1) and (4) and 299.11003 (l), (m) and (p), November 19, 1991.
Identification and Listing of Hazardous Waste (52 FR 26012, July 10, 1987).	Rule 299.9214(1)(c), 11/19/91.
*Exception Reporting for Small Quantity Generators of Hazardous Waste (52 FR 35894, September 23, 1987).	Rule 299.9308(3), (5) and (6), November 19, 1991.



Federal requirement	Analogous state authority/effective date
Liability Requirements for Hazardous Waste Facilities: Corporate Guarantee (52 FR 44314, November 18, 1987).	Rule 299.9502(2) and (11), November 19, 1991; 299.9601(3) and (8), Corporate Guarantee (52 FR December 28, 1985; 299.9710(5) and (10) and 299.11003(1)(l) and (n), November 19, 1991.
*Codification Rule 2: Post-Closure Permits (52 FR 45788, December 1, 1987).	Rule 299.9502(1), (8), (9), and (10), November 19, 1991.
Hazardous Waste Miscellaneous Units (52 FR 46946, December 10, 1987).	Rule 299.9105(b) and (c) and 299.9504(1) and (15), November 19, 1991; 299.9508(1), April 20, 1988; 299.9605(1) and (2), 299.9609(1) and (5) and 299.9612(1), (3) and (4), November 19, 1991; 299.9613(1) and (4), April 20, 1988; 299.9628(1) and (4), November 19, 1991; 299.9702(1) and (2), April 20, 1988; 299.9710(2) and 299.11003(1)(b), (k), (l), and (p), November 19, 1991.
Technical Corrections; Identification of Hazardous Waste (53 FR 13382, April 22, 1988).	Rule 299.9224, 299.9225, and 299.11003 (1)(h), November 19, 1991.
*Identification and Listing of Hazardous Waste; Technical Correction (53 FR 27162, July 19, 1988).	Rule 299.9205(5) and (7), November 19, 1991.
Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators (54 FR 615, January 9, 1989).	Rule 299.9504(1) and (15) and 299.11001(1)(p), November 19, 1991.

\*Indicates HSWA Requirement.

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on October 30, 1986; January 23, 1990; and June 24, 1991, the effective dates of Michigan's final authorizations for the RCRA base program and for the Non-HSWA Cluster I, Cluster II, and Cluster III revisions.

Michigan is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

#### C. Decision

I conclude that Michigan's application for program revision meets all the statutory and regulatory requirements established by RCRA. Accordingly, Michigan is granted final authorization to operate its hazardous waste program as revised. Michigan now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Michigan also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

#### D. Incorporation by Reference

EPA incorporates by reference authorized State programs in 40 CFR part 272 to provide notice to the public of the scope of the authorized program in each State. Incorporation by reference of these revisions to the Michigan program will be completed at a later date.

#### Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

#### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Michigan's program thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

#### Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

#### List of Subjects in 40 Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials

transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This notice is issued under the authority of sections 2002(a) 3006, and 7004(b) of the Solid Waste Disposal Act as amended [42 U.S.C. 6912(a), 6926 and 6974(b)].

Dated: September 17, 1993.

William E. Muno,

Acting Regional Administrator.

[FR Doc. 93-24184 Filed 9-30-93; 8:45 am]

BILLING CODE 6560-50-P

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 1

[DA 93-1126]

#### Complaints, Applications, Tariffs, and Reports Involving Common Carriers

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Communications Commission amended its rules regarding procedures for providing documents to the Commission's Copy Contractor. This modification to the Commission's rule will require that all parties filing petitions seeking suspension or rejection of new tariff filings or any provision thereof provide one of the four copies of each petition or pleading directly to the Commission's current contractor. This rule change will permit the Commission's copy contractor to provide information to the public in an efficient and expedient basis.

**EFFECTIVE DATE:** October 1, 1993.

**FOR FURTHER INFORMATION CONTACT:**



William Cline, Records Management Division, (202) 632-7513.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Memorandum Opinion and Order adopted September 14, 1993 and released September 22, 1993 amending part 1 of the Commission's Rules. The Commission modified its rules pertaining to the filing of petitions seeking suspension or rejection of new tariff filings or any provision thereof, and any pleadings associated with the petitions. Pursuant to the Commission's rules, parties are required to file an original and four copies of any such petition or pleading with the Commission. To improve service to the public, the Commission is amending its rule to require that all parties filing petitions seeking suspension or rejection of new tariff filings or any provision thereof provide one of the four copies of each petition or pleading directly to the Commission's current copy contractor as follows: Copy Contractor, room 246, 1919 M Street, NW., Washington, DC 20554.

The original and remaining three copies of any document shall continue to be filed with the Secretary, FCC, room 222, 1919 M Street, NW., Washington, DC 20554. In addition, parties shall continue to simultaneously serve separate copies upon the Chief, Common Carrier Bureau, the Chief, Tariff Division, and the publishing carrier or petitioner.

#### List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Andrew S. Fish,  
Managing Director.

#### Amendatory Text

Part 1 of chapter 1 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552 and 21 U.S.C. 853a, unless otherwise noted.

2. Section 1.773 is amended by revising paragraphs (a)(4) and (b)(3) to read as follows:

**§ 1.773 Petitions for suspension or rejection of new tariff filings.**

(a) \* \* \*

(4) *Copies, service.* An original and four copies of each petition shall be filed with the Commission, as follows: the original and three copies must be filed with the Secretary, FCC, room 222, 1919 M Street, NW., Washington, DC 20554; one copy must be delivered directly to the Commission's Copy Contractor, room 246, 1919 M Street, NW., Washington, DC 20554. Additional, separate copies shall be served simultaneously upon the Chief, Common Carrier Bureau; and the Chief, Tariff Division. Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on less than 15 days notice shall be served either personally or via facsimile on the filing carrier. If a petition is served via facsimile, a copy of the petition must also be sent to the filing carrier via first class mail on the same day of the facsimile transmission. Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on 15 or more days notice may be served on the filing carrier by mail.

(b) \* \* \*

(3) *Copies, service.* An original and four copies of each reply shall be filed with the Commission, as follows: The original and three copies must be filed with the Secretary, FCC, room 222, 1919 M Street, NW., Washington, DC 20554; one copy must be delivered directly to the Commission's Copy Contractor, room 246, 1919 M Street, NW., Washington, DC 20554. Additional, separate copies shall be served simultaneously upon the Chief, Common Carrier Bureau; the Chief, Tariff Division; and the petitioner. Replies may be served upon petitioner personally, by mail or via facsimile.

[FR Doc. 93-24091 Filed 9-30-93; 8:45 am]  
BILLING CODE 6712-01-M

#### 47 CFR Part 15

[GEN Docket No. 92-152; FCC 93-421]

#### Harmonization of Digital Device Standards With International Standards

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document adopts revisions to the technical standards for digital devices, permitting the manufacturers of these devices to demonstrate compliance with either the FCC requirements or the international standards for radio frequency (RF) emissions. The international standards were developed by the International

Special Committee on Radio Interference (CISPR) and are used in many other countries, most notably the European Community countries. Harmonization of the standards will permit products manufactured for sale within the U.S. to be marketed to those countries following the CISPR specifications with minimal additional testing and product design modifications.

**DATES:** This final rule is effective October 1, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 1993.

**FOR FURTHER INFORMATION CONTACT:** John A. Reed, Office of Engineering and Technology, (202) 653-7313.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order in ET Docket 92-152, FCC 93-421, adopted August 20, 1993 and released September 17, 1993. The complete text of this Report and Order is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

#### Paperwork Reduction

The proposed amendments will not modify the information collection requirements contained in the current regulations.

#### Summary of the Report and Order

1. In the Report and Order in this proceeding, the Commission amended part 15 of its rules to permit the manufacturers of digital devices to demonstrate compliance with either the existing FCC requirements or the international standards for radio frequency (RF) emissions. These international standards were developed by the International Special Committee on Radio Interference (CISPR) and are contained in CISPR Pub. 22, as amended. The objective of this action is to ensure that U.S. manufacturers have reasonable opportunities to compete fairly and effectively in the international marketplace. Harmonization of the standards will permit products manufactured for sale within the U.S. to be marketed in those countries following the CISPR specifications with minimal additional testing and product design modification while, at the same



time, satisfying the Commission's interference control objectives.

2. Part 15 of the Commission's rules governs the operation of RF devices without an individual license. Digital devices, such as computers, generate and use RF energy. These devices are subject to the provisions in part 15. However, the standards in part 15 apply only to products used in the United States. Many other countries, most notably the European Community countries, are in the process of requiring digital devices to comply with standards developed by CISPR for controlling interference. CISPR is a voluntary standards-making organization under the auspices of the International Electrotechnical Commission (IEC). CISPR adopts recommendations for limits and methods of measurement to control radio interference.

3. The following CISPR standards are incorporated by reference into part 15: First Edition of CISPR Pub. 22 (1985), "Limits and Methods of Measurement of Radio Interference Characteristics of Information Technology Equipment," and the associated Draft International Standards adopted by CISPR, published as documents CISPR/G (Central Office) 2, CISPR/G (Central Office) 5, CISPR/G (Central Office) 9, CISPR/G (Central Office) 11, CISPR/G (Central Office) 12, CISPR/G (Central Office) 13, and CISPR/G (Central Office) 14. To accommodate future, minor changes to the CISPR standards, differing by no more than a few dB, the Commission's Chief Engineer will issue a Public Notice, to be published in the *Federal Register*, identifying the changes and requesting comments. The Chief Engineer is delegated authority to adopt the changes into the regulations if the comments responding to the Public Notice are favorable. More significant modifications to the CISPR standards will be implemented through a formal rulemaking proceeding.

4. Intermixing between the FCC standards and the CISPR standards is not permitted. However, testing to demonstrate compliance with the CISPR standards must be performed using American National Standards Institute (ANSI) C63.4-1992, "Methods of Measurement of Radio-Noise Emissions from Low-Voltage Electrical and Electronic Equipment in the Range of 9 kHz to 40 GHz," as detailed in 47 CFR 15.31(a)(6). Further, the Commission retained the limits for RF emissions above 1000 MHz, where required under 47 CFR 15.33, but permitted emissions above 1000 MHz to be measured at the same test distances used below 1000 MHz.

5. Because of differences in power line voltages and frequencies, digital devices designed to be marketed within the U.S. and within countries following the CISPR standards use different power supplies or use a single power supply designed to operate in several modes, i.e., function at different power line voltages and frequencies. The Commission noted that the operation of a device with different power supplies, or with a single power supply with different operating modes, can significantly affect the levels of RF emissions conducted onto the AC power lines. Accordingly, tests to determine the levels of RF emissions conducted onto the AC power lines must be performed with each power supply that will be installed in the equipment when marketed within the U.S. or, when a power supply can operate in different modes, with the digital device operating in each mode suitable for connection to the U.S. AC power service. Power supplies are not, however, a primary cause of radiated emissions. Thus, some relief from multiple testing with different power supplies can be provided when testing to show compliance with the limits on RF emissions radiated from the device. Initial pre-test scans for compliance with radiated emissions limits shall be conducted with all power supplies and operating modes planned to be employed. The full tests for radiated emissions shall be performed using the power supply or operating mode that results in the highest levels of radiated emissions, even if that power supply or operating mode is not the one designed for use within the U.S. We will, of course, also permit digital devices to be tested using only the power supply or operating mode designed for use within the U.S.

6. In a separate matter, the Commission also amended part 15 of its rules to incorporate the standards in the digital device measurement procedures regarding AC power line conducted emissions. For any part 15 devices, including non-digital devices, when the difference between the conducted emission levels measured with a quasi-peak detector and with an average detector is 6 dB or greater, a 13 dB allowance may be added to the part 15 power line conducted limit.

7. Final Regulatory Flexibility Analysis Statement: Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, our final analysis is as follows:

I. Need for and purpose of this action: This action permits manufacturers of digital devices to comply with the Commission's equipment verification or

certification requirements by demonstrating that a device complies with either the current part 15 standards or the standards in CISPR Pub. 22. The ability to use the CISPR standards for compliance with both domestic and international requirements facilitates the international marketing of digital devices by reducing testing and equipment design burdens.

II. Summary of issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis: Tandy, the only party submitting comments in response to the Initial Regulatory Flexibility Analysis, supports the proposals set forth in the Notice. It indicates that: (1) U.S. manufacturers, whether large or small, who do not market outside the U.S. would suffer no negative impact if the Commission accepts the CISPR standards for digital devices as an alternative to the part 15 standards; (2) harmonization of the standards for digital devices may facilitate the entry of small businesses into the global marketplace, particularly the European Community markets; and, (3) the reduction in design and testing costs resulting from these changes to the rules could be the impetus for the entry of smaller U.S. businesses into foreign markets.

III. Significant alternatives considered and rejected: All of the commenting parties support harmonization of the standards with those in CISPR Pub. 22. Several commenting parties disagree on the version of the CISPR standard and the test procedure that should be employed. We are adopting the version that is expected to be adopted by CISPR, reducing the probability that our regulations must be modified in the near future, and are providing the Chief Engineer with delegated authority to make minor changes to the standards following notice to the public with opportunity for comment.

8. In accordance with the above discussion and pursuant to the authority contained in Sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, it is ordered that part 15 of the Commission's Rules and Regulations is amended as set forth below. These rules and regulations are effective upon publication in the *Federal Register*. It is further ordered that this proceeding is terminated.

#### List of Subjects in 47 CFR Part 15

Computer technology, Incorporation by reference, Reporting and recordkeeping requirements.



**Rule Changes**

Title 47 of the Code of Federal Regulations, part 15, is amended as follows:

**PART 15—RADIO FREQUENCY DEVICES**

1. The authority citation for part 15 continues to read as follows:

Authority: Secs. 4, 302, 303, 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, 304 and 307.

2. Section 15.31 is amended by adding a note after paragraph (a)(6)(iii) to read as follows:

**§ 15.31 Measurement standards.**

- (a) \* \* \*
- (6) \* \* \*
- (iii) \* \* \*

Note: Digital devices tested to show compliance with the provisions of §§ 15.107(e) and 15.109(g) must be tested following the ANSI C63.4 procedure described in paragraph (a)(6) of this section.

3. Section 15.107 is amended by redesignating paragraph (d) as paragraph (f), and by adding new paragraphs (d) and (e), to read as follows:

**§ 15.107 Conducted limits.**

(d) The following option may be employed if the conducted emissions exceed the limits in paragraph (a) or (b) of this section, as appropriate, when measured using instrumentation employing a quasi-peak detector function: if the level of the emission measured using the quasi-peak instrumentation is 6 dB, or more, higher than the level of the same emission measured with instrumentation having an average detector and a 9 kHz minimum bandwidth, that emission is considered broadband and the level obtained with the quasi-peak detector may be reduced by 13 dB for comparison to the limits. When employing this option, the following conditions shall be observed:

- (1) The measuring instrumentation with the average detector shall employ a linear IF amplifier.
- (2) Care must be taken not to exceed the dynamic range of the measuring instrument when measuring an emission with a low duty cycle.
- (3) The test report required for verification or for an application for a grant of equipment authorization shall contain all details supporting the use of this option.
- (e) As an alternative to the conducted limits shown in paragraphs (a) and (b)

of this section, digital devices may be shown to comply with the standards contained in the First Edition of International Special Committee on Radio Interference (CISPR) Pub. 22 (1985), "Limits and Methods of Measurement of Radio Interference Characteristics of Information Technology Equipment," and the associated Draft International Standards (DISs) adopted in 1992 and published by the International Electrotechnical Commission as documents CISPR/G (Central Office) 2, CISPR/G (Central Office) 5, CISPR/G (Central Office) 9, CISPR/G (Central Office) 11, CISPR/G (Central Office) 12, CISPR/G (Central Office) 13, and CISPR/G (Central Office) 14. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these CISPR publications may be purchased from the American National Standards Institute (ANSI), Sales Department, 11 West 42nd Street, New York, NY 10036, (212) 642-4900. Copies may also be inspected during normal business hours at the following locations: Federal Communications Commission, 205 M Street, NW., Office of Engineering and Technology (room 7317), Washington, DC, and Office of the Federal Register, 800 N. Capitol Street, NW., suite 700, Washington, DC. In addition:

- (1) The test procedure and other requirements specified in this part shall continue to apply to digital devices.
- (2) If the conducted emissions are measured to demonstrate compliance with the alternative standards in this paragraph, compliance must also be demonstrated with the radiated emission limits shown in § 15.109(g).

4. Section 15.109 is amended by revising the last sentence of paragraph (e), and by adding a new paragraph (g), to read as follows:

**§ 15.109 Radiated emission limits.**

- (e) \* \* \* At frequencies above 30 MHz, the limits in paragraph (a), (b) or (g) of this section, as appropriate, continue to apply.
- (g) As an alternative to the radiated emission limits shown in paragraphs (a) and (b) of this section, digital devices may be shown to comply with the standards contained in the First Edition of CISPR Pub. 22 (1985), "Limits and Methods of Measurement of Radio Interference Characteristics of Information Technology Equipment," and the associated Draft International

Standards (DISs) adopted in 1992 and published by the International Electrotechnical Commission as documents CISPR/G (Central Office) 2, CISPR/G (Central Office) 5, CISPR/G (Central Office) 9, CISPR/G (Central Office) 11, CISPR/G (Central Office) 12, CISPR/G (Central Office) 13, and CISPR/G (Central Office) 14. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these CISPR publications may be purchased from the American National Standards Institute (ANSI), Sales Department, 11 West 42nd Street, New York, NY 10036, (212) 642-4900. Copies may also be inspected during normal business hours at the following locations: Federal Communications Commission, 205 M Street, NW., Office of Engineering and Technology (room 7317), Washington, DC, and Office of the Federal Register, 800 N. Capitol Street, NW., suite 700, Washington, DC. In addition:

- (1) The test procedure and other requirements specified in this part shall continue to apply to digital devices.
- (2) If, in accordance with § 15.33 of this part, measurements must be performed above 1000 MHz, compliance above 1000 MHz shall be demonstrated with the emission limit in paragraph (a) or (b) of this section, as appropriate. Measurements above 1000 MHz may be performed at the distance specified in the CISPR 22 publications for measurements below 1000 MHz provided the limits in paragraphs (a) and (b) of this section are extrapolated to the new measurement distance using an inverse linear distance extrapolation factor (20 dB/decade), e.g., the radiated limit above 1000 MHz for a Class B digital device is 150 uV/m, as measured at a distance of 10 meters.
- (3) The measurement distances shown in CISPR Pub. 22, including measurements made in accordance with this paragraph above 1000 MHz, are considered, for the purpose of § 15.31(f)(4) of this part, to be the measurement distances specified in this part.
- (4) If the radiated emissions are measured to demonstrate compliance with the alternative standards in this paragraph, compliance must also be demonstrated with the conducted limits shown in § 15.107(e).
5. Section 15.207 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and by adding a new paragraph (b), to read as follows:

**§ 15.207 Conducted limits.**

\* \* \* \* \*



(b) The following option may be employed if the conducted emissions exceed the limits in paragraph (a) of this section when measured using instrumentation employing a quasi-peak detector function: If the level of the emission measured using the quasi-peak instrumentation is 6 dB, or more, higher than the level of the same emission measured with instrumentation having an average detector and a 9 kHz minimum bandwidth, that emission is considered broadband and the level obtained with the quasi-peak detector may be reduced by 13 dB for comparison to the limits. When employing this option, the following conditions shall be observed:

(1) The measuring instrumentation with the average detector shall employ a linear IF amplifier.

(2) Care must be taken not to exceed the dynamic range of the measuring instrument when measuring an emission with a low duty cycle.

(3) The test report required for verification or for an application for a grant of equipment authorization shall contain all details supporting the use of this option.

Federal Communications Commission.

LaVera F. Marshall,  
Acting Secretary.

[FR Doc. 93-23887 Filed 9-30-93; 8:45 am]  
BILLING CODE 6712-01-M

#### 47 CFR Parts 73 and 74

[DA 93-1159]

#### Broadcast Services; Editorial Amendments to the Rules

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This Order amends agency regulations to correct certain editorial errors in the Code of Federal Regulations and to reflect recent changes in the Commission's Rules in order to make these rules as accurate, current, and efficient as possible.

EFFECTIVE DATE: October 1, 1993.

FOR FURTHER INFORMATION CONTACT: Rita McDonald, Policy and Rules Division, Mass Media Bureau (202) 632-5414.

#### SUPPLEMENTARY INFORMATION:

##### Background/Need for Correction

On October 1, 1993, the Office of the Federal Register will issue the 1993 Code of Federal Regulations (CFR) for Title 47. In order to make the new CFR as accurate as possible, we have reviewed

the 1992 edition and identified outmoded and/or inconsistent information. Accordingly, this Order amends the Commission's Rules to reflect additional changes to 47 CFR parts 73 and 74. This Order makes no substantive changes that impose additional burdens or remove provisions relied upon by licensees or the public. Additionally, we believe that these revisions will serve the public interest. This information is amended as part of the Agency's oversight function.

These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Because these amendments only interpret and clarify the existing language of parts 73 and 74, prior notice of rule making is not required. 47 CFR Section 1.412(c). For this same reason, these amendments may become effective upon publication in the Federal Register. 47 CFR Section 1.427(b). Because a general notice of proposed rule making is not required, the Regulatory Flexibility Act does not apply.

#### List of Subjects in 47 CFR Parts 73 and 74

Radio broadcasting, Television broadcasting.

#### PART 73—RADIO BROADCAST SERVICES

Accordingly, 47 CFR parts 73 and 74 are amended by making the following corrections:

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334

2. The Alphabetical Index at the end of Part 73 is amended by adding two new listings to read as follows:

Alphabetical Index—Part 73

\* \* \* \* \*

Hard Look Deficiencies and Amendments (as modified) (FM)—  
73.3522(a)(6)

\* \* \* \* \*

Minimum Filing Requirement (FM)—  
73.3564(a)

\* \* \* \* \*

#### § 73.202 [Amended]

3. The Table of Allotments 73.202(b) is amended by revising the spelling of "Owasso" (Michigan) to "Owosso".

#### § 73.520 [Redesignated as § 73.672]

4. Section 73.520 is redesignated as Section 73.672.

#### § 73.614 [Amended]

5. Section 73.614 is amended by removing the asterisks at the end of the first equation following paragraph (b)(1).

#### § 73.682 [Amended]

6. Section 73.682 is amended by removing Schedule I.

7. Section 73.1635 is amended by revising the last sentence in paragraph (a)(4) to read as follows:

#### § 73.1635 Special temporary authorizations (STA).

(a) \* \* \*

(4) \* \* \* The permittee or licensee must demonstrate that any further extensions requested are necessary and that all steps to resume normal operation are being undertaken in an expeditious and timely fashion.

\* \* \* \* \*

8. Section 73.3522(a)(6) is amended by revising the bracketed information starting at the fourth sentence to read as follows:

#### § 73.3522 Amendment of applications.

(a) \* \* \*

(6) \* \* \* [For minimum filing requirements see § 73.3564(a). Examples of tender defects appear at 50 FR 19936 at 19945-46 (May 13, 1985), reprinted as Appendix D, Report and Order, MM Docket No. 91-347, 7 FCC Red 5074, 5083-88 (1992). For examples of acceptance defects see 49 FR 47331.]

\* \* \* \* \*

#### § 73.3545 [Amended]

9. Section 73.3545 is amended by removing the reference to "section 325(b)" in the first sentence and adding "section 325(c)" in its place.

#### § 73.3555 [Amended]

10. Section 73.3555 is amended by removing the phrase "FM commercial stations" in paragraph (a)(1)(ii) and adding "2 FM commercial stations" in its place, and by removing the reference to "a proxy for each data." in the note following paragraph (a)(1)(ii) and adding in its place "a proxy for such data."

11. Section 73.3564 is amended by revising the first sentence in paragraph (a)(2) to read as follows:

#### § 73.3564 Acceptance of applications.

(a) \* \* \*

(2) The application must not omit more than 3 of the second tier items specified in Appendix C, Report and Order, MM Docket No. 91-347, 7 FCC Red 5074, 5081-82 (1992).

\* \* \* \* \*